Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of	)	
	)	
Performance Measurements and Standards for Interstate Special Access Services	)	**CC Docket No. 01-321**
	)	
Petition of U S West, Inc., for a Declaratory Ruling Preempting State Commission Proceedings to Regulate U S West's Provision of Federally Tariffed Interstate Services	)	**CC Docket No. 00-51**
	)	
Petition of Association for Local Telecommunications Services for Declaratory Ruling	)	**CC Docket Nos. 98-147, 96-98, 98-141**
	)	
Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, as amended	)	**CC Docket No. 96-149**
	)	
2000 Biennial Regulatory Review – Telecommunications Service Quality Reporting Requirements	)	**CC Docket No. 00-229**
	)	
AT&T Corp. Petition to Establish Performance Standards, Reporting Requirements, and Self-Executing Remedies Need to Ensure Compliance by ILECs with Their Statutory Obligations Regarding Special Access Services	)	**RM 10329**

COMMENTS OF METROPOLITAN TELECOMMUNICATIONS

Manhattan Telecommunications Corporation d/b/a Metropolitan Telecommunications a/k/a MetTel ("MetTel") through undersigned counsel hereby submits these comments in accordance with the schedule established in the above referenced proceedings. MetTel is presenting comments regarding the establishment of an integrated metrics regime under the auspices of the Federal Telecommunications Commission ("the Commission" or "FCC").

Recognizing the critical importance of ILEC performance standards in ensuring the development of competitive markets, the Commission has set for itself a worthy goal: creating a comprehensive set of performance metrics which will be applicable nationwide. Despite the laudable goal, it is the position of MetTel that instituting a set of national metrics at this time would be counterproductive for the reasons detailed below. However, if notwithstanding objections detailed by MetTel, the Commission will wish to proceed with the introduction of a national set of performance metrics, MetTel supports the adoption of the metrics offered by WorldCom in this proceeding.

The design and planning of metrics is an evolving process, which requires wide industry input and which must be responsive to the changing requirements of markets and market participants. For example, in New York, a metrics collaborative has worked diligently during the course of several years in order to create metrics for all aspects of pre-ordering, ordering, provisioning, billing and repair processes. These metrics must periodically be revisited and revised. The members of the collaborative appreciate that this is an on-going process and not one that will produce a final and static result. Therefore, any metric regime must anticipate a continuing and labor-intensive process, which will actively maintain and revise metrics.

In order for metrics to be meaningful and effective, they must be carefully tailored to particular market realities. It is not possible to design a national set of metrics, which will be equally appropriate for all the competitive situations that currently exist in the United States. Significant differences exist between ILEC systems, regional system configurations within the same ILEC, regional level of market maturity, CLEC capabilities and requirements, to name a few.

Different systems handle transactions differently. For example, the same set of metrics cannot effectively cover both manually and electronically input transactions. Additionally,

various ILECs configure their systems differently, creating needs for specific metrics that are not universal. For example, some ILECs have their pre-order database linked with their order database while others do not. Under these two configuration scenarios, there are different potential sources for errors. Consequently, in one instance a set of metrics measuring data transfer between unlinked systems would be critical while being superfluous in the other instance.

Even when dealing with the same ILEC, there are system differences between states. For example, Verizon's New Jersey systems are virtually identical to Verizon's Pennsylvania systems with the exception of the service order processor ("SOP"), which is separate in New Jersey. Both New Jersey's and Pennsylvania's systems differ somewhat from the set of systems which Verizon operates in New York. In this case, the performance of a single ILEC must be measured in light of state system differences, and the metric regime must be tailored accordingly.

When designing a comprehensive set of metrics it is critical to take into account the stage of development of a particular ILEC's systems. For example, in the course of revising New York metrics, the New York collaborative eliminated certain "first generation" metrics. These were useful at the time they were instituted, but due to system development, have lost relevance in the case of Verizon. However, for an ILEC at a different developmental stage, these metrics might be both relevant and critical.

Not only are there significant differences between ILECs (as well as the same ILEC in different states or regions) but there also exist differences between CLECs in different regions. When, on a state or regional basis, there are significant differences in entrance strategies employed by CLECs, order volumes or system use, a metric regime should be relevant to each particular situation. Under such circumstances, it is not possible to create one national set of metrics that would be applicable to these differing scenarios.

Additionally, due to a variety of reasons (regulatory differences, system differences, market demands and marketing approaches) telecommunications products and services offered to end-user differ from state to state. For example, Verizon voicemail is available for resale in New York but not in Pennsylvania or New Jersey.

Given all of the complexities described above, it is not possible to create a comprehensive national metric regime which will be responsive to all of the different needs and requirements that exist across the country. Consequently, in the attempt to craft metrics that will have the widest relevance, the danger exists of creating metrics which will not mandate levels of performance necessary in the more mature markets while placing unreasonable expectations on markets that are not yet prepared to meet higher requirements. A national metric regime will not be able to take into account differences in ILEC or CLEC systems or regional and state product offering differences. By contrast, state commissions are better equipped to tailor metrics to specific market needs, requirements and capabilities.

In addition to the obstacles to a national metric regime posed by the differences described above as well as the need for continuously evolving metrics, it is necessary to consider that metric enforcement is also an extremely involved activity. In an ideal world, metrics would be self-executing. However, in reality there are disputes with respect to matters such as accuracy of reporting and interpretation. A regulatory body in charge of metric creation would also have to be involved with such disputes. Adequate involvement would require the capability and resources to engage in replication of reported metrics data, systems testing, determination of appropriate metric interpretations and other related functions. Of necessity, state commissions are better able to provide faster and more case specific responses to such situations.

When market realities permit a greater level of metric integration, the convenience of that arrangement naturally provides incentive for such development. For example, the metrics

extensively developed in New York have been adopted (in whole or in part) by other states in the Verizon footprint. In this case, regional integration is logical and helpful since there is sufficient systems similarity and many of the New York collaborative participants are active in the other states as well. This is a natural result of circumstances conducive to such integration. However, to artificially force such integration where it is not warranted would be counterproductive.

For all of the reasons detailed above, MetTel is opposed to the creation of a national metrics regime and disagrees strongly with the premise that such a system is necessary or helpful. However, if despite such objections the Commission chooses to institute national metrics, MetTel supports the adoption of the metrics proposed by WorldCom as more conducive to maintaining performance levels than other available alternative metrics. MetTel respectfully urges the Commission to find that at the present time, the introduction of nationally integrated performance measures and standards would not serve the goals of strengthening telecommunications competition and ensuring adequate service levels.

Respectfully Submitted,

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